

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KAREN NOVICK,

Plaintiff,

-against-

METROPOLITAN LIFE INSURANCE COMPANY
and METLIFE OPTIONS AND CHOICES PLAN
NO. 512,

Defendants.

Civ. Act. No.
09-civ-6865 (RJH)(AJP)

NOTICE OF MOTION

DOCUMENT
ELECTRONICALLY FILED

PLEASE TAKE NOTICE that, upon the Declaration of Matthew Hallford dated December 19, 2011 and the exhibits annexed thereto, the Declaration of Michael H. Bernstein, Esq., dated December 23, 2011 and the exhibits annexed thereto, the Rule 56.1 Statement of Material Facts, and the Memorandum of Law in support, all simultaneously submitted herewith, Defendants, Metropolitan Life Insurance Company and MetLife Options and Choices Plan No. 512 (collectively the “Defendants”), by their attorneys, Sedgwick, LLP, will move this Court, on a date and at a time set by the Court, before the Hon. Richard J. Holwell, U.S.D.J., at the United States District Courthouse for the Southern District Of New York, 500 Pearl Street, New York, New York 10007 for an Order pursuant to Rule 56, FED. R. CIV. PROC., granting summary judgment dismissing Plaintiff’s Complaint, which seeks relief under the Employee Retirement Income Security Act of 1974 (“ERISA”), 29 U.S.C. §1001, *et seq.*, with prejudice on the grounds that the Defendants’ decision to terminate her claim for short-term disability benefits under the governing ERISA Plan was not arbitrary and capricious and that she is not entitled to an award of long-term disability benefits under the Plan as a matter of law, and for such other and further relief this Court deems just and proper.

Dated: New York, New York
December 23, 2011

Respectfully Submitted,

s/

MICHAEL H. BERNSTEIN (MB 0579)
JOHN T. SEYBERT (JS 5014)
BETSY D. BAYDALA (BB 5165)
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Attorneys for Defendant

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CERTIFICATE OF SERVICE

I, BETSY D. BAYDALA, hereby certify and affirm that a true and correct copy of the attached **NOTICE OF MOTION** was served **via ECF** on this 23rd day of December, 2011, upon the following:

Alan H. Casper Esq. 1845 Walnut Street, Suite 1500 Philadelphia, PA 19107 Business Phone: (215) 546-1124 Business E-mail: acasper@alanhcasperesq.com	Scott M. Riemer Esq. Riemer & Associates 60 East 42nd Street, Suite 1750 New York, NY 10165 Business Phone: (212) 297-0700 Business E-mail: sriemer@riemerlawfirm.com
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Dated: New York, New York
December 23, 2011

s/
BETSY D. BAYDALA (BB 5165)